

UNITED STATES DISTRICT COURT
FOR
DISTRICT OF MONTANA
Report on Offender Under Supervision

Name of Offender: Kenneth Skunkcap

Docket Number: 0977 4:19CR00022-001

Name of Sentencing Judicial Officer: THE HONORABLE BRIAN MORRIS
CHIEF UNITED STATES DISTRICT JUDGE

Date of Original Sentence: 09/11/2019

Original Offense: 18:113G.F; ASSAULT RESULTING IN SUBSTANTIAL BODILY INJURY,
18:1153.F; OFFENSES COMMITTED WITHIN INDIAN COUNTRY

Original Sentence: 6 months custody, 24 months supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: 09/13/2019

NON-COMPLIANCE SUMMARY

Background

On 09/11/2019, the defendant appeared for sentencing before THE HONORABLE BRIAN MORRIS, CHIEF UNITED STATES DISTRICT JUDGE, having pled guilty to the offense of 18:113G.F; ASSAULT RESULTING IN SUBSTANTIAL BODILY INJURY, 18:1153.F; OFFENSES COMMITTED WITHIN INDIAN COUNTRY. The offense involved the defendant assaulting Mary Ann Newrobe by striking her on the head and both arms, in addition to twisting her arm to force her to stay where she was. He then grabbed a kitchen knife and began walking toward her. The victim reported she feared he was going to stab her. The defendant was sentenced to 6 months custody, followed by 24 months supervised release. The defendant began the current term of supervised release on 09/13/2019.

On 10/23/2019, a Report on Offender Under Supervision was filed after the defendant tested positive for cannabinoids during his intake. He was placed in individual counseling and urinalysis testing due to his use. His release was continued.

On 11/21/2019, a Report on Offender Under Supervision was filed with the Court after the defendant tested positive for cannabinoids and failed to attend group substance abuse counseling as required. Due to his cognitive functioning, the defendant's release was continued while this officer explored potential group home placements.

On 01/14/2020, a Petition for Warrant for Offender Under Supervision was filed with the Court after the defendant tested positive for cannabinoids, moved out of his family's residence without updating his address, and failed to update his violent offender registry. He was arrested and appeared in court on 01/21/2020. The defendant was released from custody to comply with his conditions of supervision, and his final revocation hearing was set for 04/21/2020. Due to the defendant's compliance and COVID-19, his final revocation hearing was vacated on 04/07/2020, and the petition was dismissed.

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On 05/11/2020, a Report of Offender Under Supervision was filed with the Court after the defendant admitting to smoking marijuana with his cousin on 04/26/2020. The defendant's release was continued.

Since that time, the probation officer believes the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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- | | |
|---|--|
| 1 | Standard condition: You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change. |
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The defendant left his approved residence on 07/16/2020 and did not tell this officer where he was staying until 07/27/2020.

- | | |
|---|--|
| 2 | Standard condition: You must follow the instructions of the probation officer related to the conditions of supervision. |
|---|--|

This officer spoke to the defendant on the phone on 07/24/2020. This officer instructed the defendant to return to his approved residence immediately. The defendant stated he was going to Starr School to a relative's house. This officer told the defendant he was to return home and was not approved to stay in Starr School. The defendant did not return to his approved residence until 07/27/2020, after this officer enlisted the help of family members and local law enforcement to locate him.

- | | |
|---|---|
| 3 | Special condition: You must comply with violent offender registration requirements for convicted offenders in any state in which you reside. |
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The defendant failed to comply with registration requirements and was not at his approved residence for eleven days.

U.S. Probation Officer Action:

The defendant is currently living with his sister, Tammy After Buffalo. Due to his traumatic brain injuries, he struggles to retain information. Tammy has been helpful support for the defendant, but he continues to struggle with impulsivity. This officer believes he forgets about supervision in the moment, especially if he is out for a walk and someone picks him up. Believing the defendant will always struggle with impulsivity, this officer will continue making very regular contact with him to help promote compliance. The defendant was reminded of his conditions and requirements of supervision. The defendant was warned that further noncompliance will result in his return to custody. The defendant agrees to make additional efforts to communicate with this officer and

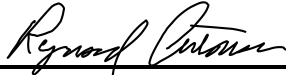
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remain in compliance. This officer respectfully recommends supervision in the community be continued.

Reviewed

By: 
Raymond Antonsen
Supervising United States Probation
Officer
Date: 07/30/2020

Respectfully Submitted

By: 
Misty Keller-Salois
United States Probation Officer Assistant
Date: 07/30/2020

ORDER OF COURT

- ☐ Submit a Request for Modifying the Condition or Term of Supervision
- ☐ Submit a Request for Warrant or Summons
- ☒ Agrees with U.S. Probation Officer's recommendation



Brian Morris

Chief United States District Judge

8/3/2020

Date